

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FLOYD ROGERS, III,

Plaintiff,

V.

SHERIFF JOHNNY BROWN,
ET AL.,

Defendants.

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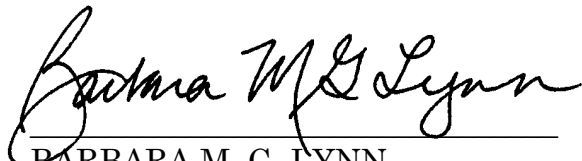
No. 3:12-cv-2458-M

ORDER

The United States Magistrate Judge made Findings, Conclusions and a Recommendation in this case. No objections were filed. The District Court reviewed the proposed Findings, Conclusions and Recommendation for plain error. Finding none, the Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

Defendants' motion for summary judgment on exhaustion of remedies [Dkt. No. 79] is DENIED. This case is RECOMMITTED to Magistrate Judge David L. Horan for further pretrial management, including resolution of the factual disputes regarding Defendants' PLRA exhaustion defense, including through an evidentiary hearing if necessary, as required by Fifth Circuit precedent. *See Dillon v. Rogers*, 596 F.3d 260, 273 (5th Cir. 2010).

SO ORDERED this 13th day of February, 2014.



BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS